Sectt. 11-27—45,004- 14-11-29.

Law (Genl) (1930) Department.

M S SERIES.

G.O. No. 1712

DATED 14 - 4 - 30

[Despatch Abstract.]

Legal Assistance - certain constables in the South Yamato district

T.A. for attendance in court - I.G.'s order copy -

Recorded.

Police **DEPARTMENT.** C.D.

Cr. 606 B

4.3.30

Received ..... 192 *Registered* 5/3/30 192

Subject.

Allowance- Travelling- Two constables of South Kanara district- Attendance in Court- G.O.No.Ms.616, Law (General), dated 12th February 1930- Cancellation of paragraph 2 suggested- (T)

ENCLOSURES.
No .....
.....
Spare copies .....

R.C. No. 1606-3 Audit /29

Station Madras, *Dated the* 18th March 192x 1930

From (Name) F.A. Hamilton, Esquire, C.I.E.,

(Designation) Inspector-General of Police, Madras.

To The Secretary to the Government of Madras,

Law (General) Department.

Sir,

(T)

Refce:-G.O.No.Ms.616, Law (General) dated 12th February 1930.

With reference to paragraph 2 of the Government Order quoted above, I have the honour to state that the District Superintendent of Police, South Kanara, directed the Sub-Inspector of Police, Kundapur, to defend the constables agreeably to the Note under Police Order 224(2), Volume I. As this Police Order is marked with an asterisk and has the approval of Government -vide G.O.No.485, Judicial, dated 14th March 1911- I suggest that paragraph 2 of G.O.No.Ms.616, Law (General), dated 12th February 1930, needs reconsideration. (2) (T)

I have the honour to be,
Sir,
Your most obedient servant,

Hamilton, I.G.P.

3

Law (Gen.) Dept

Lg. (Gen.) assistance - for two constables of Canara D

(Cypher 1061 R.) From the I.G. of Police R.C. no. 606-S/Canara dated 1.3.30.

As

In the reasons given by him in the letter at para 1 cf., the I.G. of Police requests that para 2 of

(T) G.O. 606 Law (Gen.) dated 12.2.1930 may be cancelled.

(T) 2. In para 2 of G.O. 606 dated 12.2.30, the I.G. of Police was requested to draw the attention of the D.S.P. to the fact that he has no power to sanction the defence of the constables with reference to Standing Order no I-B published in Part III (a) of the Rules to G.O. 450 dated 1.3.24.

(T) Para 2 was omitted at the instance of Pub. (Pol.) Dept. The I.G. of Police was referred to the note under Police Rule 92A(2) which runs as follows:—

A In simple cases departmental aid will suffice, and the defence may when expressly

Sanctions by the Supdt. be undertaken by an Inspector, other than the Prosecuting Inspector, or another experienced police officer." (A)

The IG of Police refers to Go 485 Jails (Z) d. 14.3.1911 for the as authority for the Police Rule. He has stated that para. 2 (xiii) of Go 485 (Jails) d. 14.3.1911 (Z) merely states that the Ruling in Go 1264 Jails. d. 24.8.1910. shall (E) form part of Police Rule No 224. There seems the no authority for the rule under Police Rule No 224(2). It may be pointed out that the rule is strictly wrong as D.S.P. have no power to sanction the defence of a case. The standing rule is clear. It directs that an Officer against whom a prosecution is launched should apply to the S.P. the head of his office for legal assistance. and it is not clear how the D.S.P. came to have power to sanction the defence with departmental aid As para. 2 of Go 616. Jails (Genl) (J) dated 12.2.30 was issued at the instance of the Police Dept. the remarks of that Dept. may be invited.

Cons(Pol)o 1061 B/ 12.3.30 (+)

Pol. 10/3 AR 11/3 AR 12/3 Public (Police) Jails

3. 5

Pub (Ple) Dept.

vs.

The Law Dept's note at p. 2 is not correct. The L.G.'s letter in c.f. states the position correctly. The D.S.P., Kanara, sanctioned the defence of the two constables in exercise of the authority given him by the note under Police ords 224 (2), vol. I. This note was approved by the Govt. — vide para 25 on p. 9 of Notes to Go no. 485 Jud. of 14.3.11. The action now to be taken is for the Law Dept. to make a note of the provisions of the above note* to P.O 224 (2), vol. I, for incorporation in the later revisions, if any, of the standing orders about legal assistance as now laid down in Go. no. 450 Law of 1.3.21.

2. Para 2 of Go. no. 616 Law (Genl) of 12.2.30 need not now be formally cancelled. It should suffice if the L.G.'s letter in c.f. is were simply recorded without any remarks & the recording ords communicated to the L.G.

p.t.o

of Police. For orders whether the Govt. Depr. may be advised accordingly.

Yours
9.4.30.

Law Dept. Min 1202-1/94 30

Law(Genl)

Para 1 of Pub(Police) dept. note on p.3 ante.

Submitted that the following may be added as a note under standing order No. 1-B. Margassal in Part III(a) of the annexure to Govt. 450 Law dt 1.3.21:-

"Note. In simple cases arising
" in the Police dept., departmental
" aid will suffice and the defence
" may, with the express sanction of
" the ~~Deputy~~ District Supdt. of Police, be
" undertaken by an Insp., other than
" the Prosecuting Insp., or another
" experienced Police officer".

It is ~~also~~ separately proposed that the Standing Orders in Govt. 450 dt 1.3.21 may be brought up to date when orders are issued on the memorials of Govt. Pleaders and Public Prosecutors. The amendment suggested above may then be

(1 separate file)

7/

be incorporated in the Standing Orders

2. Para 2 of Pub. (Police) dept

note on pages 3-4 ante. A draft order recording the papers is sub?.

Done.

cw
16.4.30

cw
10.4.30

10/4.

10/4

J gow 12/4

Scott. II-5 (a)—48,004—6-11-28. (6)

L. G. DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..	16/4/30	
When despatched ..		

Legal assistance – certain constables in the S. Kanara Dt. – J.a. for attendance in court – S.P.'s further report – Recorded

(not cited)

READ AGAIN G.O. No. 616 L. G., dated 12. 2. 1930.

" " " " " 192

READ ALSO:—

C. No. 10613 From the Dy. S. P. of Police, No. 1606-3/audit/29 dated 1. 3. 1930.

" " " " " 192 .

" " " " " 192 .

ORDER.

No. 1712, dated 14. 4. 1930.

Recorded.

cw
10.4.30

To

The S. P. of Police (q to)

Copy to Pub.-(Police) (q to I, a of II to)

for further action.

Received.....1930. Registered.....1930

Abstract.

LEGAL ASSISTANCE - certain constables in the South Kanara district Travelling allowance for attendance in court - Inspector-General's further report - Recorded.

Law (General) Department.

G.O.No. 1712 MS. dated the 14th A p r i l 1930

Read :-

G.O.No. 616 Law (General), date 12th February 1930.

Read also:

From the Inspector General of Police, No. 1606-3/Audit/29, dated 1st March 1930

O R D E R ;-

R e c o r d e d

(By order of the Governor in Council)

J-Venkatanarayana

Secretary to Government.

To the Inspector-General of Police.

Copy to Public (Police) department.

...

F o r w a r d e d

(By order)

Superintendent

Jn.

From the Inspector-General of Police, R.O. 1606-3/Audit/29, dated 1st March 1930

Allowance - Travelling - Two constables of South Kanara district - Attendance in Court - G.O.No.Ms. 616, Law (General), dated 12th February 1930 - Cancellation of paragraph 2 suggested.

Refce : - G.O.No. Ms. 616 Law(General), dated 12th February 1930

With reference to paragraph 2 of the Government Order quoted above, I have the honour to state that the District Superintendent of Police, South Kanara, directed the Sub-Inspector of Police, Kundapur, to defend the constables agreeably to the Note under Police Order

224(2), Volume I. As this Police Order is marked with an * asterisk and has the approval of Government - vide G.O.No. 485 , Judicial, dated 14th March 1911 - I suggest that paragraph 2 of G.O.No.Ms. 616, Law(General), dated 12th February 1930, needs reconsideration.